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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/483,175	01/13/00	XIA	C BRIGP001

EXAMINER	
ROSSI, J	
ART UNIT	**PAPER NUMBER**
2122	8

021912 TM02/1010
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DATE MAILED: 10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/483,175	XIA et al.
Examiner	**Art Unit**
Jeffrey Allen ROSSI	2122

-- The MAILING DATE of this communication app ars on the cov r sheet with the c rr spondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) [X] Responsive to communication(s) filed on Jul 19, 2001

2a) [X] This action is **FINAL.** 2b) [ ] This action is non-final.

3) [ ] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) [X] Claim(s) 1-25 is/are pending in the applica

4a) Of the above, claim(s) NONE is/are withdrawn from considera

5) [ ] Claim(s) _____ is/are allowed.

6) [X] Claim(s) 1-25 is/are rejected.

7) [ ] Claim(s) _____ is/are objected to.

8) [ ] Claims _____ are subject to restriction and/or election requirem

Application Papers

9) [ ] The specification is objected to by the Examiner.

10) [ ] The drawing(s) filed on _____ is/are objected to by the Examiner.

11) [ ] The proposed drawing correction filed on _____ is: a) [ ] approved b) [ ] disapproved.

12) [ ] The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) [ ] Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) [ ] All b) [ ] Some* c) [ ] None of:

1. [ ] Certified copies of the priority documents have been received.
2. [ ] Certified copies of the priority documents have been received in Application No. _____.
3. [ ] Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) [ ] Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) [ ] Notice of References Cited (PTO-892)

16) [ ] Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) [X] Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6

18) [ ] Interview Summary (PTO-413) Paper No(s). _____

19) [ ] Notice of Informal Patent Application (PTO-152)

20) [ ] Other:

DETAILED ACTION

1. This action is responsive to the following communications: the amendment, filed 7-19-2001; the IDS of 5-07-01; the application, filed 1-13-2000; and the IDS, filed 5-26-00.

2. The disposition of claims is as follows: claims 1-25 are pending in the application. Claims 1, 21, and 23-24 are independent. Claims 1, 21, 22, and 23-24 are independent. No claims have been canceled.

3. The group art unit of the Examiner handling your case has probably changed. The new art unit is 2122. Please use the most up-to-date information on all correspondence to insure expedient correlation of all papers.

Background- Definitions

4. It is noted that the word "container" has a layman's definition and a more precise definition to **P**erson **H**aving **O**rdinary **S**kill **I**n **T**he **A**rt (*i.e.*, PHOSITA) in the technological arts, *e.g.*, document authoring. A container as generally referred to, in **OLE** terminology, is *a file containing linked or embedded objects* or as referred to in **SGML**, is *an element that has content as opposed to one consisting solely of the tag name and attributes* (from *Microsoft Press*

Computer Dictionary © 1997 all rights reserved). It is further noted that **H**yper**T**ext **M**arkup **L**anguage, *i.e.*, **HTML**; and e**X**tensible **M**arkup **L**anguage, *i.e.*, **XML**; are both essentially derivatives of **SGML**. **HTML** was generally considered ubiquitous over the Internet at the time of the invention because it was easy to implement; while **XML** was and has been gaining popularity because of an increased functionality was able to handle more complex formatting and procedures. This background has been used as a guideline for interpreting "container" through the eyes of a person in the technological arts at the time of the invention.

Claim Rejections - 35 U.S.C. § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-21 and 23-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Dependent claims not explicitly addressed herein, infra, are rejected based on their failure to rectify the deficiency of the parent claims(s) on which they depend.

Per independent claims 1, 21, and 24 the specification a written description of claimed "marketing location". The Examiner has endeavored to find the terminology "marketing location", in the application. Applicant has implied that the container has a location on a web page: "A marketing object container may include program codes... that identifies [sic] a location and size of the marketing object container"--col. 15, lines 5-16 et seq. of the Specification. However, Applicant has not described a "marketing location". This does not appear to be a term of the art, therefore "marketing location" is Applicant's own neologism. Applicant may be his own lexicographer; however, in the absence of written support in the specification this constitutes "new matter".

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the Applicant regards as his invention.

8.' Claims 1-21, and 23-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Per independent claims 1, 21, and 24; because Applicant has not described what a "marketing location" is intended to be in the specification; and because it would not generally be

accepted as a "term of the art", the metes and bounds of this claim language can not be properly ascertained. Applicant is suggested to us "location" in lieu of "marketing location".

Applicant's language is given the broadest reasonable interpretation as per the Examiner's "best guess" when applying the art to the claim language.

Claim Rejections - 35 U.S.C. § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-2, 8-9, 12-15, 19, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by WONG et al., US 5,890,175 **B1**, issued 03-30-1999; in the alternative, under 35 U.S.C. 103(a) as obvious over WONG et al., US 5,890,175 **B1**, issued 03-30-1999 in view of the Screen-shot of JPG file attributes taken from WINDOWS NT (c) 1998 MICROSOFT Corp. (c) 1998 taken 21 MAR 01.

11. Per independent claim 1, WONG ~~dipl~~ discloses a method of providing an electronic marketing presentation (*e.g.*, **FIG. 5**), comprising: displaying a marketing object container (*e.g.*, Product Picture Name"—**82,** *said marketing object container including a marketing location for*

receiving at least one marketing object to be presented in said marketing container to a user of an interactive medium (The claimed "location for presenting..." is *inherent* and otherwise depicted by illustration: e.g., FIG. 5, 6, 10, 11, & 15, Note further that presentation pictures, e.g., element 51--FIG. 5, element 61--FIG. 6, element 101--FIG. 10, picture, not labeled--FIG. 11, and element 151--FIG. 15) are displayed at a particular location on the web page; and in a preferred embodiment HTML is employed to bind presentation objects to the page--column 4, lines 690-65, and further noting the each of these displays are templates. Claimed location MUST have been associated with the containers for these presentation items, as was a well-known technique in the art; because the web page *COULD NOT HAVE RENDERED* with out associating a location, as illustrated in Figures with those objects using templates) associating an attribute with the marketing object container (*inherent* in "multimedia objects, such as graphics images, audio clips, video clips and program applets into the merchant store"—col. 3, line 67 et *seq.*; explicitly in "Mark box ☒ if this product will include a picture in its description page"—**FIG. 8**); ; and selecting at least one marketing object for being associated with the marketing object container, *e.g.,* PICTURE6 (**FIG. 5**). The Examiner is aware that the WONG reference does not employ the term "attribute". However, it explicitly recites **HTML** authoring and the insertion of multimedia objects which inherently have user definable attributes. —A reference must disclose the claimed subject matter either *expressly* or *inherently*— *Constant v. Advanced Microwave Devices, Inc.*, 7 USPQ2d 1057 (Fed. Cir. 1988). —A reference which is silent about a claimed invention's features is inherently anticipatory if the missing feature is necessarily present in that

which is described in the reference. Inherency is not established by probabilities or possibilities—.*In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999). —Inherency requires inevitable presence—. *In re Oelrich*, 212 USPQ 323 (CCPA 1981). While there were conceivably multimedia objects without user definable attributes, it would have been *impossible* for this invention to operate as described if only objects without user-definable attributes were present. Examples of well-known object attributes were "file type" and, "read only", "archive" and "compresses" for JPEG image files, although image objects inherently had multitudinous file types defined by the user. Therefore, WONG is anticipatory. Should Applicant disagree, it would have been obvious to PHOSITA at the time of the invention to include attributes in the multimedia objects of WONG in order to insure compatibility with existing objects.

12. Per independent claims 23-24, these claims are directed to a system and computer product corresponding the method of independent claim 1, *supra*, and thus are identically rejected.

13. Per dependent claim 25(24)WONG explicitly discloses claimed system memory 6. It is noted that dependent claim 25 recites a *Markush* group. -*See Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925). It is noted that CD-ROM, floppy disk, take, flash, system memory and data signal embodied in a carrier wave were all recognized as interchangeable means of transporting and storing a computer program.

14. Per dependent claim 2, WONG discloses claimed "container icon", element **72**— **FIG. 7**.

15. Per dependent claim 8 (1); claimed selecting a style is taught by the recitation: "the same product information can be presented in different manners depending on the selection of *[a]* display template"—col. 6, lines 40-45; See also element 41—**FIG. 4**.

16. Per dependent claims 9 (1) and 12(9); WONG further discloses associating a feature wit an object container (element **43**—**FIG. 4**; See also "product description"—element **52**—**FIG. 5**; See also keywords—**FIG. 8**; See also "Promotional Sale Information"—**FIG. 8**).

17. Per dependent claim 13(9); the rejection of this claim is substantially identical to the rejection of dependent claim 9, *supra*, noting that the marketing "object" corresponds to the object displayed by *e.g.*, PICTURE 6—**FIG. 8**.

18. Per dependent claim 14(1) and 15(1); the marketing object of WONG is dynamically associated (ABSTRACT). It is noted that the breadth of these claims does not require the object in a given container of the template to be dynamically changed, only dynamically bound. In the interest of "compact prosecution" it is noted, nonetheless, that it was notoriously well-known to dynamically bind rotating advertisements to object containers. It would have been obvious to PHOSITA to rotate marketing objects in its containers in order to change display ads according to user preferences and environment.

19. Per dependent claim 19 (1) WONG demonstrates displaying, *e.g.*, PICTURE 6, after the user has entered it into form. Approval of PICTURE 6 is inherent, because the author would not enter the information if he did not approve of it for display.

20. Claims 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by WONG et al., US 5,890,175 **B1**, issued 03-30-1999 of (noting the Screen-shot of JPG file attributes taken from WINDOWS NT (c) 1998 MICROSOFT Corp. (c) 1998 taken 21 MAR 01 as evidence of Inherency of attributes in object); in the alternative, under 35 U.S.C. 103(a) as obvious over WONG et al., US 5,890,175 **B1**, issued 03-30-1999 in view of CRAGUN et al., US 6,161,112 **B1**, issued 12 DEC 00 .

21. Per dependent claim 3, it is believed that the process of presenting a screen of attributes for association with the object is inherent in WONG. As demonstrated by the screen-shot of WINDOWS NT provided, the process of associating multiple attributes with multimedia images was *inherent* because WONG would have been partially inoperable for its intended purpose if it were not compatible with existing JPG technologies. However, in anticipation of Applicant's disputing the *inherency* of selecting attributes for association with the template objects of WONG, it is noted that CRAGUN explicitly discloses editing of multiple attributes associated with advertisement, *i.e.*, claimed marketing, objects (See the ABSTRACT, **FIG. 16**, element **1410-1450—FIG. 14**; **FIG. 11.** It would have been obvious to PHOSITA at the time of the invention to include an attribute editing screen with multiple attributes as taught by example in **FIG. 11** of CRAGUN in order to increase the flexibility of the authoring system of WONG to include more display preferences.

22. Per dependent claim 4(1); this claim is identically rejected to dependent claim 5. The compatibility of the plurality of attributes presented is implicit in both the WONG reference and the CRAGUN reference, therefore the reason for combination is identical to that set forth, *supra*.

23. Per dependent claims 5(1)-6(1); the "display template" described by WONG (col. 6, lines 40) is *de facto* the claimed "style template". This is further evidenced by the observation that "the same product information can be presented in different manners, depending on the selection of {a} display template"—col. 6, lines 40-45. The act of filling in the object is inherent in the rendering of the presentation page (*e.g.*, **FIG. 15**)

24. Per dependent claim 7(1), it is noted that the language "associating an item with said attribute" is very broad. Therefore, the presentation preferences associated with the attributes in WONG and CRAGUN (as combined in detail the rejection of dependent claim 3, *supra*, hereby incorporated by reference), meets this limitation (see **FIG. 11** and all elements **1610-1646—FIG. 16**).

25. Claims 10-11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WONG et al., US 5,890,175 **B1**, in view of HENSON, US 6,167,383 **B1**..

26. Per dependent claims 10-11; WONG lacks associating a "cross-sell" and "up-sell" feature with its marketing objects. HENSON. on the other hand, demonstrates dynamically associating a banner object **100** (abstract, col. 9, lines 40-55) wherein an "up-sell" or "cross-sell" feature was associated with the object (col. 9, lines 43-44). It would have been obvious to PHOSITA at the

time of the invention to combine HENSON with WONG by providing a "cross-sell" or "up-sell" feature with at least one of the marketing containers of WONG in order to bind cross-sell and up-sell objects into the template of WONG in a manner disclosed by HENSON. Furthermore, this would have provided the benefit of increasing likelihood of selling more merchandise in the catalogue system of WONG in a manner disclosed by HENSON.

27. Per dependent claim 20(1); WONG lacks an explicit recitation of an association of an object of a marketing container based on an object of a first object container, although it id implied, for example, by the objects which are associated in element **52—FIG. 5**, were all probably "associated" by the author. HENSON, on the other hand, explicitly demonstrates associating marketing objects with other marketing objects (col. 9, lines 40-45 wherein marketing objects are associated with "cross-sell" and "up-sell". It would have been obvious to PHOSITA at the time of the invention to combine the container association of HENSON in the template of WONG in order to create up-sell and cross-sell opportunities in the web pages of WONG.

28. Claims 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by WONG et al., US 5,890,175 **B1**, issued 03-30-1999 of (noting the Screen-shot of JPG file attributes taken from *WINDOWS NT* (c) 1998 MICROSOFT Corp. (c) 1998 taken 21 MAR 01 as evidence of Inherency); in the alternative, under 35 U.S.C. 103(a) as obvious over WONG et al., US

5,890,175 **B1**, issued 03-30-1999 in view of KURTZMANN, II et al., US 6,144,944 **B1**, issued 11/00.

29. Per dependent claim 16(1); WONG lacks a demonstration of its object being selected from a plurality of associated objects based on an attribute associated with a marketing container. KURTZMAN II, on the other hand, demonstrates that it was well-known to associate an "affinity attribute" (col. 4, lines 17, 32-35, and 40-45) with an object container "... dynamic HTML, images..."—col. 2, lines 55-56. It would have been obvious to PHOSITA at the time of the invention to include the affinity engine of KURTZMAN II un the template of WONG in order to generate advertisement of interest in WONG

30.Per dependent claim 17(16), rotating adds according to a schedule was notoriously well-known as demonstrated by KURTZMAN II (col. 5, lines 5, lines 5-7). It would have been obvious to PHOSITA at the time of the invention to rotate adds according to a schedule in WONG and KURTZMANN II in order to give a uniform exposure, for example, to ads from a given sponsor (col. 4, lines 40-45).

31. Per dependent claim 18(16); KURTZMANN II demonstrates distributing an add based on another marketing object ("These advertisements correspond to sponsor's ads for that specific page"—col. 4, lines 40-45; and key word sponsor engine—col. 4, lines 45-50. It would have been obvious to PHOSITA to include KURTZMANN II in WONG in order to maximize relevance of a display ad (col. 4, lines 26-31 of KURTZMANN II).

32. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over CRAGUN et al., US 6,161,112 **B1**, issued 12 DEC 00; in view of KIYONO, US 6, 137, 483 A, issued 10/2000 .

33. Per independent claim 21, CRAGUN discloses:

defining the location and size of a marketing object container in the display medium (*inherent*, see element **610—FIG. 6**; associating a marketing attribute with the marketing container ("presentation preferences"— **FIG. 11**),

associating... the marketing attribute including parameters that define how the marketing object container can be used in a marketing presentation (**FIG. 11**);

receiving subsequently from the user a selection of the marketing container ("setup or change presentation attributes of each individual presentation item...one suitable way for a user to invoke this menu its to place the mouse or pointing device on the presentation item [i.e., the container]"--col. 7, lines 21-33.

binding at least one marketing object to the marketing object container ("The **HTML** code of the downloaded web page typically contains references to components that must be separately loaded"—col. 3, lines 45-50; **FIG. 6**; "Presentation item **128** is any portion of a web page that is presented to a user, whether by picture, audio, video, text or other means. Components in a web page such as graphical interface files {.GIF) and sound files {.WAV}, are examples of presentation items **128**"—col. 4, lines 20-25); and displaying the marketing object in the marketing object container in accordance with the parameters of the marketing attribute (**FIG. 6**).

CRAGUN lacks a recitation or"receiving *subsequently from a user* [emphasis added] ... at least one marketing object to be displayed in the ... container. KIYONO, on the other hand , demonstrates re-using a layout structure by subsequently assigning content to said structure (e.g., "Methods of synthesizing a template with material information include: ...combining material information with a layout structure visually on a display screen; and a method of directly combining material information with a logic structure..."---col. 5, lines 50-55 et seq, which is explicitly directed to a multimedia catalog ("multimedia catalog"--col. 8, lines 12-15). It would have been obvious to a Person Having Ordinary Skill In The Art, i.e., PHOSITA, at the time of the invention to combine the content selection step of KIYONO with the presentation attribute step of CRAGUN, by allowing a user of CRAGUN to select content in order to allow the rapid modification of an existing layout structure, e,g., FIG. 6 to accommodate different marketing content, in order to allow the advanced user of CRAGUN to alter the content of the presentation of CRAGUN, and thus allow more flexibility in the system of CRAGUN to change its presentation.

34. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over COLLINS-RECTOR et al., US 6,188,398 B1, issued 02/2001; in view of RUTTENBERG et al., WO 99/62013 published 12/1999[1] .

35. Per independent claim 22; COLLINS-RECTOR discloses displaying a marketing object container **33—FIG. 2** on a display medium; in response to a selection of the marketing object

container 19 (**FIG 1**) creating a campaign associated with the object container ("select campaigns from the left side menu"—col. 4, lines 25-35. It lacks the process of selecting a campaign from a plurality of campaigns displayed and selecting an offer associated with the campaign, although it is suggested that an URLS corresponding to an offer is selected (col. 3, lines 60-65). RUTTENBERG et tal., on the other hand, explicitly discloses a container, i.e., banner, wherein a wherein a campaign attribute is associated with the container from a plurality of campaigns (page 6, lines 1-7), and at least one offer is associated with the campaign (inherent, as described via example by "any consumer who reads the advertisement...orders the 6 coca-cola bottles"—col. 8, lines 11-17. It would have been obvious to PHOSITA at the time of the invention to associate campaigns attributes with the containers of COLLINS-RECTOR in order to provide multiple remuneration terms as associated with a container as taught by RUTTENBERG.

36. Per the limitations of "associated with a plurality of offers, and "displaying the plurality of offers...", it is noted that Applicants concede that it was notoriously well-known to associate multiple ads with a given campaign. Furthermore, "Official Notice" is hereby taken that it was notoriously well-known in the art to associate multiple offers with a given ad campaign, in addition to in the plural ads previously discussed. It would, therefore, in light of this notoriously well-known practice, have been obvious to PHOSITA at the time of the invention to choose from multiple offers associated with the campaigns of the combination device of **COLLINS-RECTOR** and **RUTTENBERG** in order to allow for a wider choice of the advertiser in order to better adapt to its advertising venue.

1. Note: New law allows use of international filing date as effective date of prior art under certain circumstances.

Response to Remarks of 7-19-01

The Applicants remarks of 7-19-01 have been fully considered, however are deemed unpersuasive. It is noted that Applicants' remarks rely heavily on the amendments to the claims which have been fully addressed, supra. However, the Examiner has endeavored to respond to those remarks inasmuch as they are germane to the present rationale for rejection.

The Applicants' remarks were fully considered, but deemed unpersuasive.

In the remarks, Applicants argued in substance the following points:

a) WONG does not teach a marketing object container

b) Claim 21 has been modified to accentuate subsequent binding step

c) Neither COLLINS-RECTOR not RUTTENBERG teach displaying a plurality of offers associated with a selected campaign

Per a); the Examiner is in firm disagreement. the templates in WONG definitely comprise containers , both for data associated with a multimedia catalogue, and for multimedia elements and the like which are illustrated. The Examiner has employed the broadest reasonable definition as is accepted in the software arts, and has given background at the beginning of this action. The containers of WONG can be thought of as place-holder for the content of WONG. The Examiner fails to see how applicants disclosure employed any definition of container that would have excluded the place-holder of WONG. In the absence of a definition provided by Applicant, or descriptive language in the claims, the Examiner has employed the "broadest reasonable definition to PHOSITA in the art. Clearly WONG's templates have containers as claimed, even if it may not call them containers.

Per b); the grounds for rejection has been modified to address this difference

Per c), the rejection was made on COLLINS-RECTOR, RUTTENBERG, and knowledge of PHOSITA at the time of the invention. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references [and knowledge of PHOSITA]. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

38. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to

(703)-746-7239 (**formal** communications intended for entry)

Or:

(703)-746-7238 (**informal** communications labeled **PROPOSED** or **DRAFT**)

Hand-delivered responses should be brought to:

Sixth Floor Receptionist, Crystal Park II, 2121 Crystal Drive, Arlington, VA.

39. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey ROSSI whose telephone number is (703) 308-5213 . The Examiner can normally be reached on Monday - Friday from 0830 to 1630 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin TESKA, can be reached on (703) 305-9704.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JR

2001-10-09

KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER